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Department Generated Correspondence (Y)

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Our ref: PP_2012_GOSFO_001_00 (11/22519)
Your ref: 10402200

Mr Peter Wilson
General Manager
Gosford City Council
PO Box 21
GOSFORD NSW 2250

Dear Mr Wilson,

Re: Planning proposal to rezone land from 2(b) Residential to 3(a) Business (General) at Lot 3 DP 829025, 6-8 Painters Lane, Terrigal and assign a height limit of RL23.6 and a floor space ratio of 2.3:1 to facilitate the redevelopment of the site and adjoining sites for retail, commercial and residential purposes

I am writing in response to your Council's letter dated 9 December 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Gosford Planning Scheme Ordinance to rezone land from 2(b) Residential to 3(a) Business (General) at Lot 3 DP 829025, 6-8 Painters Lane, Terrigal and assign a height limit of RL23.6 and a floor space ratio of 2.3:1 to facilitate the redevelopment of the site and adjoining sites for retail, commercial and residential purposes.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

While the Department acknowledges that the subject site has been publicly exhibited as B2 Local Centre with height limits of RL 23.6 and floor space ratio of 2.3:1 as part of the Draft principal LEP (DLEP) in May 2011, this matter is being progressed separately to the principal LEP and Council is required to publicly exhibit the planning proposal for 14 days.

Council is also to clarify whether the Rapedo site will be eligible for the bonus height and floor space ratio provisions after the gazettal of the draft Gosford Local Environmental Plan. This information is to be provided as part of the public exhibition material.

Council is to undertake additional urban design analysis to demonstrate how development of the site will integrate with surrounding development. This analysis should also address the interface with adjoining residential development to satisfy the requirements of S117 Direction 2.2 Coastal Protection. This additional information is to be placed on public exhibition with the draft planning proposal.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 6.3 Site Specific Provisions is of minor significance. No further approval is required in relation to this Direction.

In relation to S117 Direction 3.4 Integrating Land Use and Transport, Council is to consult with Transport for NSW – Roads and Maritime Services and take into account any comments made. The planning proposal should be amended, if necessary, to reflect these comments prior to exhibition.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Glenn Hornal of the Regional Office of the Department on 02 4348 5003.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Tom Gellibrand', with a date '2/2/12' written below it.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2012_GOSFO_001_00): to rezone land from 2(b) Residential to 3(a) Business (General) at Lot 3 DP 829025, 6-8 Painters Lane, Terrigal and assign a height limit of RL 23.6 and a floor space ratio of 2.3:1 to facilitate the redevelopment of the site and adjoining sites for retail, commercial and residential purposes.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Gosford Planning Scheme Ordinance to rezone land from 2(b) Residential to 3(a) Business (General) at Lot 3 DP 829025, 6-8 Painters Lane, Terrigal and assign a height limit of RL23.6 and a floor space ratio of 2.3:1 to facilitate the redevelopment of the site and adjoining sites for retail, commercial and residential purposes should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Traffic Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 2nd day of February 2012.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure